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In re Application of:

Carlsson et al.

Application No.: 09/868,526

PCT No.: PCT/SE99/02311

Int. Filing Date: 10 December 1999

Priority Date: 22 December 1998

Atty. Docket No.: CU-2571

For: Tool Handle

DECISION

ON

PETITION

This is in response to the renewed petition filed on 07 November 2007.

DISCUSSION

The instant petition is accompanied by a declaration document, as required by the Decision mailed on 11 June 2007. The declaration filed on 07 November 2007 has been carefully studied, as have the previously filed declarations. This review reveals that each of the declarations appears to lack the statements required by 37 CFR 1.63(a)(4), (b)(1), (b)(2) and (b)(3). As noted in an earlier decision, it appears as though a sheet of the declaration may have been omitted.

The undersigned acknowledges telephonically advising counsel that the 11 June 2007 declaration was present in the application file but, upon further review, that declaration was found to lack the statements required by 37 CFR 1.63(a)(4), (b)(1), (b)(2) and (b)(3).

In the event that petitioner believes that the statements required by 37 CFR 1.63(a)(4), (b)(1), (b)(2) and (b)(3) have been overlooked, it would be appropriate to provide a marked-up copy of the declaration pointing to where they may be found.

Petition Under 37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply has not been submitted, as described below.

Requirements (2), (3) and (4) were satisfied previously.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Petitioner has already satisfied requirements (1), (2) and (3).

Regarding requirement (4), the instant renewed petition is accompanied by a declaration document which is signed on behalf of both non-signing inventor Jack Chalas and deceased inventor Stefan Carlsson by the legal representative of Stefan Carlsson. However, a page of the declaration document appears to have been omitted (as discussed above); therefore, it does not include all of the required statements, and it fails to properly identify the application to which it is directed. As such, requirement (4) has not yet been satisfied.

Submission Under 37 CFR 1.42

Review of the declaration of the inventors reveals that it includes the citizenship, postal address and residence of both deceased inventor Stefan Carlsson and of Irene Elvingsson-Carlsson, who has signed on his behalf in the capacity of legal representative (as supported by her accompanying "Affidavit"). However, a page of the declaration document appears to have been omitted (as discussed above); therefore, it does not include all of the required statements, and it fails to properly identify the application to which it is directed. Hence, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

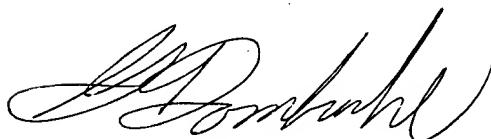
CONCLUSION

The petitions under 37 CFR 1.137(b) and 1.47(a) are **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration



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